

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human right to a clean, healthy and sustainable environment and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

Ref.: AL CHN 1/2025  
(Please use this reference in your reply)

21 January 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the human right to a clean, healthy and sustainable environment and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 52/4, 55/2 and 52/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the summoning and interrogation of environmental human rights defender Tsogon Tsering from 15 until 17 October, and his subsequent detention for his protesting of sand mining in Ngaba.**

Tsogon Tsering is a 29-year-old environmental human rights defender and resident of Tsaruma Village in Kakhog County, Ngaba, Sichuan Province. He has often led online campaigns advocating for the importance of environmental preservation and is a member of the "Environment Protection Group", a volunteer-driven initiative with around 50 members who volunteer to clean their local environment. This group has also initiated several efforts to ban single use plastics in their communities.

Concerns regarding arrest and detention of Tibetan human rights defenders was raised in several previous communications sent to your Excellency's Government by special procedures mandate holders, including [CHN 14/2023](#), [CHN 5/2019](#) and [CHN 12/2016](#). Special procedures mandate holders also sent a communication to your Excellency's Government raising concerns regarding the crackdowns on Tibetan individuals peacefully expressing their opposition to an environmentally harmful project ([CHN 8/2024](#)). We thank your Excellency's government for their [reply to CHN 14/2023](#), their [reply to CHN 5/2019](#), and their [reply to CHN 8/2024](#). We regret that no response has been received from your Excellency's government for CHN 12/2016.

According to the information received:

On 14 October 2024, Tsogon Tsering posted a five-minute video on his Kuaishou social media account openly drawing attention to the alleged mining operations conducted by Anhui Xianhe Construction Engineering Company Ltd, in Tsaruma village. This operation, allegedly taking place during road construction works, involves sand mining in the village of Tsaruma, and dredging of the Rdangchu River along the road. It has reportedly caused serious damage to the local ecological environment, with heavy sand mining damaging nearby streams and threatening residential areas. In September 2023, residents

of Tsarum filed a lawsuit against Anhui over the damage caused, and the Khyungmchu Dzong Environmental Protection Agency conducted an inspection of the affected areas. No results of the investigation or decision were announced. From October to December 2023, the Tibetans of Tsaruma appealed to the Ngaba Water Department. However, there was no response to the request for clarification.

Mr. Tsering's video showed him holding his ID card while describing the alleged human rights violations committed in Tsaruma village. This reportedly follows a well-known method for publicly reporting and calling attention to abuses by officials or companies suspected of corruption, bribery, dereliction of duty, and abuse of authority.

After the video was posted, it gained notable traction online. On 15 October 2024, Mr. Tsering and his family were called to the County office, located in Kakhog, Ngaba. They were reportedly kept in the office and interrogated for two days. On 17 October, they were permitted to return home.

On 18 October, Mr. Tsering was summoned again as he was informed that the authorities had additional matters to discuss regarding his case. Once he returned to the country office, he was subsequently detained and remained incommunicado until the 27 October.

On 27 October 2024, a notice regarding the resolution of his case was reportedly sent to his family members. They were notified that the ID information of any individuals attending his trial would be collected. Individuals intending to attend his trial were instructed to send photos of their IDs (front and back) to the County Police Office before their appearance. Upon arriving for the trial the next day, an officer verified attendance by cross-checking the photocopies of the IDs that had been submitted earlier

As a result of this, many of Mr. Tsering's relatives reportedly did not attend the trial, due to concerns that the collected ID information could later be misused to deny them access to essential services. On the same day, Mr. Tsering was convicted on the charge of "disrupting social order" and sentenced to eight months in prison by the Kyungchu County People's Court.

Mr. Tsering is now detained incommunicado, reportedly in Kyungchu County prison. During this time, his social media account on Kuaishou, as well as his complaint videos and messages, have been taken down.

While we do not wish to prejudge the accuracy of these allegations, we express our serious concern regarding the detention and the charges brought against Mr. Tsering, seemingly targeting his exercise of freedom of expression and his work protecting the environment. Such actions impact his ability to carry out vital work as a human rights defender, infringes upon his fundamental freedoms, notably his right to free expression, and obstruct his role as a human rights defender protecting the environment. Our concern is elevated by the reported lack of transparency around the process of his summoning, presumed arrest and sentencing, as well as conditions of detention. We are equally perturbed about the lack of information about the physical

integrity, safety and well-being of Mr. Tsering, as his whereabouts remain unconfirmed. We wish to recall that, by depriving persons of their liberty, States assume responsibility to care for their life and bodily integrity. Due to this heightened duty of care, States must take any necessary measures to protect the lives of individuals deprived of their liberty. It is also essential that his rights to access to legal counsel, regular contact with his family, and dignified conditions of detention are respected by your Excellency's government.

Furthermore, we are concerned with the prolonged interrogation of the human rights defender's family members, as well as the information received that authorities would collect the IDs of any individual who attends a trial. Notably, these IDs play a vital role in accessing various daily benefits, such as high school admission and health services, and issues relating to IDs could lead to future consequences, including losing access to these benefits. The collection of IDs creates a deterrence for the public to access courtrooms and monitor the judicial proceeding, thus undermining fair trial guarantees, including the right to a public hearing, and due process safeguards.

We are also notably concerned that the detention and charges against Mr. Tsering, and prolonged interrogation of his family and the information regarding the collection of IDs of any individual attending the trial, seem to be measures that have been adopted in direct retribution for Mr. Tsering's exercise of his right to freedom of expression and his work to protect the environment.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please also provide confirmation of the location where Mr. Tsogon Tsering is detained, as well as detailed information about the conditions of his imprisonment and his access to legal assistance.
3. Please provide detailed information with regard to the arrest, charges and conviction of Mr. Tsogon Tsering and indicate the measures undertaken by the Chinese authorities to ensure the application of due process and the effective protection of his rights before the law. Please further indicate how this detention is in line with the right to freedom of expression under international law.
4. Please indicate further information regarding Mr. Tsogon Tsering's family and relatives prolonged interrogation, and whether they have been provided with updated information regarding the charges brought against him and his detention. Furthermore, please provide information as to whether they have been granted or will be granted access to his

place of detention. Please provide assurance that his family and relatives will not be subject to any kind of reprisals in connection to this case.

5. Please provide information regarding the mining operations conducted by Anhui Xianhe Construction Engineering Company Ltd, in the Tsaruma village, including in relation with the alleged dredging of the Rdangchu River, as well as information regarding the process to evaluate the environmental impact of such activities and the status of the applicable licensing or permits of such activity.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Astrid Puentes Riaño  
Special Rapporteur on the human right to a clean, healthy and sustainable environment

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to articles 10, 11, 19, 20 and 21(3) of the Universal Declaration of Human Rights (UDHR), and articles 14, 19, 21, and 22 of the International Covenant on Civil and Political Rights (ICCPR), signed by China on 5 October 1998, which provide for due process rights, the rights to freedom of expression, and freedom of peaceful assembly and association. As established by the Vienna Convention on the Law of Treaties (VCLT), where the signature to a treaty is not subject to ratification, acceptance or approval, the signature does not establish the consent to be bound. However, it is a means of authentication and expresses the willingness of the signatory State to continue the treaty-making process. The signature qualifies the signatory state to proceed to ratification, acceptance or approval. It also creates an obligation to refrain, in good faith, from acts that would defeat the object and the purpose of the treaty (VCLT, articles 10 and 18).

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to

demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive instrument among those which might achieve their protective function”. (CCPR/C/GC/34, para. 34).

We would like to draw the attention of your Excellency’s Government to Human Rights Council resolution 12/16 calling on States to refrain from imposing restrictions that are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups (A/HRC/RES/12/26). Any limitation to the right to freedom of expression must meet the criteria established by international human rights standards, such as article 29 of the UDHR. Under these standards, limitations must be determined by law and must conform to the strict test of necessity and proportionality, must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.

We would like to draw the attention of your Excellency’s Government to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, otherwise known as the UN Declaration on Human Rights Defenders, which was adopted by consensus at the UN General Assembly in 1998. In particular, we would like to highlight articles 1 and 2 of the Declaration, which state that everyone, individually and in association with others, has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms and that each State has a prime responsibility and duty to promote, protect and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- Article 6(b) and (c), which reiterates the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 12(2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

Both the United Nations General Assembly and the Human Rights Council recognized the right to a clean, healthy and sustainable environment with the adoption

of resolutions A/RES/76/300 and A/HRC/RES/48/13. As detailed in the Framework Principles on Human Rights and the Environment (A/HRC/37/59), annex), which summarize the main human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights (framework principle 1).

Furthermore, States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment (principle 2). Principle 4 provides, specifically, that “States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence.” In addition, States should also ensure the effective enforcement of their environmental standards against public and private actors (principle 12), and they should take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities (principle 14).